

# **Chevy Chase Village Board of Managers**

## **February 10, 2014**

***Note:** These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or by request to the Village office.*

### **BOARD OF MANAGERS**

Patricia S. Baptiste, Chair	Present
Michael L. Denger, Vice Chair	Present
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Elissa A. Leonard, Board Member	Present

### **STAFF**

Shana R. Davis-Cook, Village Manager	Present
John M. Fitzgerald, Police Chief	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Public Safety Coordinator	Present
Kathy Wilson, Community Liaison/Administrative Assistant	Present

### **COUNSEL**

Suellen M. Ferguson, Village Counsel	Present
--------------------------------------	---------

Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:33 p.m.

Ms. Baptiste advised that prior to its regular meeting, the Village Board convened in closed session pursuant to State Government Article Section 10-508 (a) (1) (i) to discuss the discipline of a specific employee over whom it has jurisdiction; and pursuant to State Government Article Section 10-508 (a) (7) to consult with Counsel on a legal matter. During its closed session the Board voted to retain two (2) separate attorneys to advise the Board on specialized legal matters.

### **Approval of Minutes from the Board's Regular Meeting held on January 13, 2014**

Minutes of the Board's regular meeting held on January 13, 2014 were circulated to the Board prior to the meeting.

*Mr. Denger moved to approve the minutes of the Board of Managers' regular monthly meeting held on January 13, 2014, as drafted. Ms. Leonard seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

## **Variance and Special Permit Requests**

### **A-6488 (a) & (b) Variance and Special Permit Requests, 6400 Brookville Road**

Mr. David A. Kirsch & Ms. Andrea N. Kirsch

To install:

- (a) a generator in the front (Brookville Road) yard of the property that would encroach two feet, seven inches (2'-7") forward of the twenty five (25) foot front building restriction line;

*Mr. Denger moved to direct staff to draft a decision approving the special permit and variance on the basis that the evidence presented, including the staff report, demonstrates that the applicable requirements for approval of the special permit and variance have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, conditioned upon maintaining the existing opaque and permanent screening located on the property. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

- (b) an external air conditioner in the front (Oxford Street) yard of the property.

*Mr. Denger moved to direct staff to draft a decision approving the special permit on the basis that the evidence presented, including the staff report, demonstrates that the applicable requirements for approval of the special permit have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, conditioned upon maintaining the existing opaque and permanent screening located on the property. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

## **Treasurer's Report**

The Treasurer's Report was distributed prior to the meeting. No action was taken by the Board.

## **Police Report**

The Police Report was distributed prior to the meeting. No action was taken by the Board.

## **Commission Re-Appointment**

### **Ethics Commission**

*Mr. Denger moved to re-appoint Robert Brewer, Jr. of Grafton Street to a three-year term on the Village Ethics Commission. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr.*

Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

## **Old Business & Status Reports**

### **Public Hearing and Possible Board Action**

**Resolution No. 01-01-14:** An Ordinance to amend Chapter 20, “Noise Control” and Chapter 6 “Penalties, Fees and Fines”, to clarify when noise generating activity is prohibited, to correlate the Village Code and the Montgomery County Code and to raise the fine for special noise limit violations.

Village Counsel noted that the draft ordinance needed to be amended as follows:

Page 4 – line 3 at the end of the line change (b) to (a).

*Mr. Crockett moved to adopt Resolution No. 01-01-14, as amended.* Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin, and Ms. Leonard voted in favor of the motion. The motion passed.

## **New Business**

### **Discussion of Proposed Maryland Senate Bill 436/House Bill 599**

Law Enforcement Officer Bill of Rights: Hearing Board—Exclusion of Evidence

*Mr. Denger moved to authorize Chief Fitzgerald to testify on behalf of the Village before the State legislature in opposition to Senate Bill 436/House Bill 599.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin, and Ms. Leonard voted in favor of the motion. The motion passed.

### **Manager’s Report**

The Manager’s Report was circulated prior to the meeting. No action was taken by the Board.

*Mr. Denger moved to adjourn the meeting.* Mr. Winstead seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin, and Ms. Leonard voted in favor of the motion. The motion passed. The meeting adjourned at 8:22 p.m.

---

Secretary, Chevy Chase Village Board of Managers

*Final.*